



April 19, 1999

Ms. Lan P. Nguyen
Assistant City Attorney
City of Houston
Legal Department
P.O. Box 11562
Houston, Texas 77251-1562

OR99-1043

Dear Ms. Nguyen:

You ask whether certain information is subject to required public disclosure under chapter 552 of the Government Code. Your request was assigned ID# 124352.

The City of Houston Police Department (the “department”) received a request for all records involving a particular person as a complaining witness to crime. You claim that the requested information is excepted from disclosure under section 552.108 of the Government Code. We have considered the exception you claim and reviewed the submitted information.

You argue that the information is excepted from disclosure under section 552.108 of the Government Code. Section 552.108 reads in pertinent part as follows:

(a) Information held by a law enforcement agency or prosecutor that deals with the detection, investigation, or prosecution of crime . . . if:

(1) release of the information would interfere with the detection, investigation, or prosecution of crime;

(2) it is information that deals with the detection, investigation, or prosecution of crime only in relation to an investigation that did not result in conviction or deferred adjudication[.]

. . .

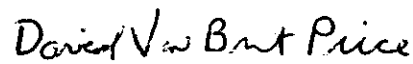
(c) This section does not except from [public disclosure] information that is basic information about an arrested person, an arrest, or a crime.

You advise us that the information consists of “mostly open files” of which some of the information is currently pending criminal investigation and that disclosure of the requested reports would interfere with the law enforcement investigative efforts. The law enforcement exception applies to this information about ongoing criminal investigations. *See Houston Chronicle Publ'g Co. v. City of Houston*, 531 S.W.2d 177 (Tex. Civ. App.--Houston [14th Dist.] 1975), *writ ref'd n.r.e. per curiam*, 536 S.W.2d 559 (Tex. 1976). Based on your representations, we conclude that you may withhold the requested information pertaining to pending criminal investigations pursuant to section 552.108(a)(1). You also have informed us that some of the records at issue pertain to a “few incidents” that did not result in a conviction or deferred adjudication and are not pending investigation. We conclude that the requested information that deals with the prosecution of a crime only in relation to an investigation that did not result in conviction or deferred adjudication may be withheld pursuant to section 552.108 (a)(2) of the Government Code.

Section 552.108 does not, however, except from required public disclosure “basic information about an arrested person, an arrest, or a crime.” Gov't Code § 552.108(c). This office considers such basic information to encompass the front page offense report information the court held to be public in *Houston Chronicle*. You must release these types of information in accordance with *Houston Chronicle*.

We are resolving this matter with an informal letter ruling rather than with a published open records decision. This ruling is limited to the particular records at issue under the facts presented to us in this request and should not be relied upon as a previous determination regarding any other records. If you have questions about this ruling, please contact our office.

Sincerely,


David Van Brunt Price
Assistant Attorney General
Open Records Division

DVP\nc

Ref: ID# 124352

Encl: Submitted documents

cc: Ms. Phyllis Randolph Frye
5707 Firenza Street
Houston, Texas 77035-5515
(w/o enclosures)